

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

VIDALINC

Atty. Ref.: 960-50; Confirmation No. 6744

Appl. No. 10/590,362

TC/A.U. 1797

Filed: August 23, 2006

Examiner: Therkorn

For: METHOD AND DEVICES FOR DRY LOADING OF CHROMATOGRAPHY RESINS

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December 16, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Official Action dated October 30, 2008, the applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution. The applicants further elect, with traverse, the module of Figure 1 for initial examination.

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

Reconsideration and withdrawal of the alleged lack of unity of invention and election requirement are requested as the Examiner is not believed to have demonstrated that the claims lack unity. Specifically, the Examiner has asserted, as a basis of alleging lack of unity, that "claim 1 is either obvious [sic] or anticipated by Talamona (E.P. 1348957)" See page 2 of the Office Action dated October 30, 2008. The Examiner provides no further explanation or analysis regarding the cited art and the

claimed invention. In fact, the applicants believe that Talamona fails to explicitly disclose, for example, the feature of the claims according to which the first port of the column forms a passage having a minimum section which is at least 10000 times as large as a particle section corresponding to the maximum size particles. Clarification is requested as to the basis of the Examiner's reliance on EP 1348957 in the event the restriction requirement and lack of unity determination is maintained and made final.

As for the required election of species, the Examiner has not provided any basis or justification for the required election other than the *per se* assertion that "These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1". The election requirement is traversed as same is not believed to have been adequately established or justified by the Examiner.

Withdrawal of the lack of unity determination and the election of species requirement and an Action on the merits of all of the claimed subject matter are requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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